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RATNERPRESTIA			BEAULIEU, YONEL	
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VALLEY FORGE, PA 19482-0980			3661	
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			08/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/534,444

Applicant(s)

SERVERA SERAPIO ET AL.

Examiner

/Yonel Beaulieu/

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☒ Claim(s) 2,6,7,13,14 and 20-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "**means**," "**comprises/comprising**," " " and "**said**," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 112***

Claims 1 – 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "**in particular**" (line 2) renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 8 and 22, "or a combination of them" (line 3) is indefinite because it is not readily clear as to what is included or excluded in the group.

Regarding claim 19, "the treatment" (line 8) lacks antecedent basis because such has not been recited.

Claims depending on claims 1 and 19, directly or indirectly, are necessarily rejected.

It is also noted the recitation of "it" in claims 1, 2, and 19 – 28. The *neutral* aspect of the recitation renders those claims indefinite as it is not readily clear as to which limitation the recitation refers to positively.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshioka et al. ("Yoshioka") U.S. Patent No. 5479173.

Regarding claims 1 and 19, Yoshioka teaches supervision of an exterior environment of a motor vehicle, said system adapted for detecting the presence of objects susceptible to collide with said vehicle (fig. 2; col. 3, lines 26 – 27), within a determined supervisory area (as illustrated in figs. 4 and 10), covering at least one dead angle (outside envelope 70), and the system being of the type comprising a capturing device (11) suitable to acquire images or information samples regarding presence captured from the exterior, representative of an object included in said supervisory area (col. 4, lines 28 – 37 at least), and one electronic system which comprises at least a system (processor 12) for processing and analyzing first input signals obtained through said capturing device (see figs. 1, 5, 8) which generates exit signals (output through item 12) as a function of the input signals (from item 11), characterized in that it further comprises at least means (13) for detecting trajectories, associated and in cooperation with said electronic system to vary said supervisory area to be covered by the capturing device as a function of second signals, processed and analyzed, obtained by said means for detecting trajectories, but fails to explicitly teach installing the system in an exterior rearview mirror and varying the coverage area as a function of second signals processed and analyzed by the trajectories detecting means.

However, Yoshioka has been shown to teach a danger level judging section. Such a teaching suggests that it would have been obvious to one of ordinary skill in the art at the time of the invention to vary the output signals in order to adapt to different environment depending on the collision level detected. As to installing the system in an exterior rearview mirror, such involves only routine skill in the art.

Regarding claim 3, Yoshioka further teaches at least one accelerometer (item 6; col. 4, lines 16 – 17 at least).

Regarding claim 4, Yoshioka further teaches means (7) for the acquisition of data for turn sensing of the vehicle.

Regarding claim 5, Yoshioka further teaches at least one device (5) for turn detection in the steering wheel of the vehicle (col. 4, lines 15 – 16 at least).

Regarding claims 8 - 12, Yoshioka further teaches a combination of a mobile camera (11) and a radar system (4) for the detection of the trajectories (as illustrated in fig. 1 at least).

Regarding claims 15 – 18, making the capturing device an infrared ray system and an ultrasound system with at least one emitter and at least one receiver, respectively, involves routine skill in the art.

***Allowable Subject Matter***

Claims 2, 6, 7, 13, 14, and 20 – 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form (including overcoming the § 112 ¶2 above) and including all of the limitations of the base claim and any intervening claims.

The prior art of record fail to teach a system/method for the supervision of an exterior environment of a vehicle comprising, among other limitations, detecting inclinations of the vehicle associated and in cooperation with an electronic system to vary the coverage area by a capturing device as a function of second and third signals processed and analyzed (treated) by a means for detecting inclinations.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Yonel Beaulieu/ whose telephone number is (571) 272-6955. The examiner can normally be reached on Mon., Wed. & Thur. between 0900 and 1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yonel Beaulieu/  
Yonel Beaulieu  
Primary Examiner  
Art Unit 3661